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5 Attorneys for Plaintiff
6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11
12 Plaintiff,

13 v.

14 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

15 Defendant.

16 AND RELATED COUNTERCLAIMS
17
18

Case No. C 06 2361 WHA (JCS)

**DECLARATION OF EUGENE M. PAIGE
IN SUPPORT OF NETFLIX'S
OPPOSITION TO MOTION FOR
PROTECTIVE ORDER**

Date: June 8, 2007

Time: 9:30 a.m.

Judge: The Honorable Joseph C. Spero

Complaint filed: April 4, 2006

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21 **PUBLIC VERSION**
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1 I, Eugene M. Paige, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and before this
3 Court, and am associated with Keker & Van Nest, LLP, counsel for Plaintiff Netflix, Inc.

4 2. I have personal knowledge of the facts set forth below and if called to testify as a
5 witness thereto could do so competently under oath.

6 3. On March 30, 2007, Blockbuster's counsel Tony Chen emailed to me a letter,
7 including attachments, written by Baker Botts, LLP to Richard A. Frank, Senior Vice President
8 and Senior Corporate Counsel for Blockbuster, dated March 9, 2004, bearing the subject heading
9 "Investigation of U.S. Patent No. 6,584,450." Attached hereto as Exhibit A is a true and correct
10 copy of the March 9, 2004 opinion letter without the attachments.

11 4. On March 30, 2007, Mr. Chen also emailed to me a letter, including attachments,
12 written by Edwin H. Taylor of Blakely Sokoloff Taylor & Zafman, LLP to Shane Evangelist,
13 Senior Vice President and General Manager of Blockbuster Online, dated March 29, 2007,
14 bearing the subject heading "U.S. Patent No. 7,024,381 entitled 'Approach for Renting Items to
15 Customers.'" Attached hereto as Exhibit B is a true and correct copy of the March 29, 2007
16 opinion letter without the attachments.

17 5. On April 11, 2007, Blockbuster's counsel Daniel J. Kelly faxed to my office a
18 motion and exhibits thereto that Blockbuster filed that day in the United States District Court for
19 the Northern District of Texas, Dallas Division. The motion is titled "Motion and Brief for
20 Protection and Objections and Responses of Blockbuster Inc., Shane Evangelist, Edward Stead,
21 and Richard A. Frank To Plaintiff Netflix, Inc.'s Third Amended Notice Of 30(B)(6) Deposition
22 of Blockbuster, Amended Notice of Deposition of Shane Evangelist, Amended Notice of
23 Deposition and Subpoena of Edward Stead, and Amended Notice of Deposition and Subpoena of
24 Richard Frank" (hereinafter "Blockbuster's Motion For Protection"). Attached hereto as Exhibit
25 C is a true and correct copy of Blockbuster's Motion For Protection and exhibits.

26 6. On April 11, 2007, my colleague Daralyn J. Durie submitted a letter with exhibits
27 to Judge Alsup informing him of Blockbuster's Motion For Protection. Attached hereto as
28 Exhibit D is a true and correct copy of Ms. Durie's April 11, 2007 letter and exhibits.

